

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CELINA R. TOMPSAN,

Defendants.

Case No. 3:05-cr-00061-RRB

ORDER

A petition for post-conviction relief has been filed by Celina R. Tompsan under 28 U.S.C. § 2255.¹ However, Ms. Tompsan has appealed the judgment of conviction in this case to the Court of Appeals for the Ninth Circuit.²

This Court may not hear Ms. Tompsan's case while it is on appeal. The Ninth Circuit has instructed that the "district court should not entertain a habeas corpus petition while there is an appeal pending in this court or in the Supreme Court."³ To

¹ See Docket No. 36.

² See Docket No. 43 (appeal filed April 7, 2006).

³ *United States v. Pirro*, 104 F.3d 297, 299 (9th Cir. 1997), quoting *United States v. Deeb*, 944 F.2d 545, 548 (9th Cir. 1991), cert. denied, 503

do otherwise, "would eviscerate our goal of judicial economy by engaging the attention of two courts on the same case at the same time."⁴

IT IS HEREBY ORDERED:

Ms. Tompsan's motion at docket number 36 is DENIED, and this action is DISMISSED without prejudice.

DATED this 5th day of June, 2006, at Anchorage, Alaska.

/s/RALPH R. BEISTLINE
United States District Judge

U.S. 975 (1992), and *Feldman v. Henman*, 815 F.2d 1318, 1320 (9th Cir.1987).

⁴ *Id.*